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FILED
MAR 14 1904
JAMES H. McKENNEY,
Clerk

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1903.

No. 212.

JOHN LOWE, APPELLANT,

v.

THE UNITED STATES.

MOTION TO ADVANCE THIS CAUSE FOR ARGUMENT IMMEDIATELY AFTER No. 195.

Comes now the above-named appellant and moves the court to advance this cause for hearing immediately following the case of William C. Gibson *v.* The United States, No. 195, October term, 1903, and for grounds of motion shows to the court:

1. That the present case and said Gibson case each involves the question whether a captain in the United States Navy, when retired as a rear admiral under the provisions of section 1444, Revised Statutes of the United States, and section 11 of the Navy Personnel act, approved March 3, 1899 (*30 Stats., 1007*), shall receive the pay of a major general or that of a brigadier general.

2. That the opinion of the Court of Claims was rendered in this case, the same judgment having been entered in said Gibson case without further opinion (*38 Court of Claims, 170*).

That to so advance this case will in large part obviate the necessity of rearguing at length the questions of law so involved in both cases, will facilitate the consideration and disposition of said cases, and will economize the time of both court and counsel.

We are authorized to say that the United States consents to this motion.

CHAS. L. FRAILEY,
A. A. HOEHLING, JR.,
Attorneys for Appellant.

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